S.B. Civil Writ Petition No.6830/2007

Chouka & Ors.
vs
The ADJ (Fast Track) No.4, Udaipur & Ors.

Date of order : 22.10.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr.Madan Lal Purohit, for the petitioners.

<><><>

Heard learned counsel for the petitioners.

According to petitioners, on 30.8.2007 in fact, the claimants-petitioners requested for grant of time for evidence, but inadvertently or wrongly it has been recorded that applicants-petitioners want to close their evidence.

The petitioners have challenged the order dated 30.8.2007 by filing the writ petition on 10th Oct., 2007 that too challenging the facts mentioned in the order-sheet without challenging the same fact before the same court. It is settled law that fact mentioned what happened in the court and recorded in the order can be challenged, only, firstly before the same court and it cannot be challenged straight way in appeal, revision or writ petition.

In view of the above, I do not find any merit in the writ petition. Hence, the writ petition of the petitioners is dismissed.

(PRAKASH TATIA), J.

c.p.goyal/-